

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
Clerk's Office
USDC, Mass.
Date 4-26-00
By CMB
Deputy Clerk

Civil Action No.99-12659-JLT

JOSEPH D. CLARK
Plaintiff,

v.

PETER PEPE, et al.,
Defendants.

ANSWER

Now come the defendants in the above-captioned action and responds to the allegations in plaintiff's complaint, paragraph by paragraph as follows.

Introductory Statement

This paragraph states the jurisdiction of the court which does not call for a responsive pleading. To the extent that the plaintiff makes allegations of fact, the defendants deny same.

Parties

1. Upon information and belief, the defendants admit the allegations of paragraph 1.
2. The defendants admit the allegations of paragraph 2.
3. The defendants admit the allegations of paragraph 3.
4. The defendants admit the allegations of paragraph 4.
5. The defendants admit the allegations of paragraph 5.
6. The defendants admit the allegations of paragraph 6.

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7. The defendants admit the allegations of paragraph 7.
8. The defendants admit the allegations of paragraph 8.
9. The defendants admit the allegations of paragraph 9.

The next paragraph consists of an unnumbered paragraph setting forth allegations which the defendants deny and call upon plaintiff to prove same.

Facts

The remaining portions of the Complaint consist of unnumbered paragraphs setting forth plaintiff's allegations. The defendants respond to these allegations by denying them, and by calling upon plaintiff to prove same. The defendants further deny the truth, accuracy and completeness of the exhibits attached to the Complaint identified by letters A through D-6, and call upon plaintiff to prove same.

Prayers For Relief

The defendants deny each and every prayer for relief.

AFFIRMATIVE DEFENSES

If the plaintiff suffered injury, as alleged in the complaint, which is denied, the defendants assert the following affirmative defenses.

1. Defendants at all times acted reasonably, within the scope of their official discretion, and with the good faith belief that their actions were lawful and not in violation of any

constitutional or other right of plaintiff in regard to all matters alleged in the complaint.

2. The plaintiff's complaint fails to state a claim upon which relief can be granted.

3. Because of his own acts or omissions, the plaintiff is estopped from raising any of the claims he might have against the defendant for any matters asserted.

4. Because of his own acts or omissions, the plaintiff has waived any claims he might have against the defendant for any of the matters asserted.

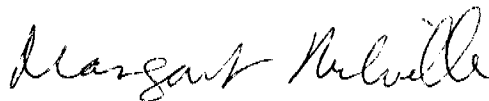
5. The defendant is not responsible for any injury suffered by plaintiff, if in fact any injury has occurred.

6. Plaintiff's action is insubstantial, frivolous, and not advanced in good faith.

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

Dated: April 25, 2000



MARGARET MELVILLE
Counsel
Legal Office
Department of Correction
100 Cambridge Street
P.O. Box 9602
Boston, MA 02114-9602
(617) 727-3300, x. 149
B.B.O. #477970

CERTIFICATE OF SERVICE

I, Margaret Melville, Counsel for the Department of Correction, hereby certify that on this 25th day of April 2000, I caused a copy of the foregoing defendants' Answer, to be served on the plaintiff, Joseph D. Clark, pro se, by first class mail, postage prepaid, at his address: MCI-Cedar Junction, P.O. Box 100, South Walpole, MA 02071.

Date: April 25, 2000

Margaret Melville
Counsel

Margaret Melville
by LM